

HOUSE BILL 3434

By Hawk

AN ACT to amend Tennessee Code Annotated, Title 68,  
Chapter 120, Part 1, relative to building  
construction standards.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-120-101, is amended by deleting subsections (a) and (b) in its entirety and by substituting instead the following:

(a)

(1) The state fire marshal shall, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, promulgate rules establishing minimum statewide building construction safety standards. Such standards shall be designed to afford a reasonable degree of safety to life and property from fire and hazards incident to the design, construction, alteration and repair of buildings or structures. The standards:

(A) Shall include, but not be limited to, provisions relative to structural strength and stability; means of egress; fire resistant ratings and requirements; and fire protection equipment and materials;

(B) Shall be selected from the 2006 International Building Code, published by the International Code Council, Inc.

(C) Shall classify buildings according to types of occupancy and construction;

(D) Shall contain appropriate requirements and specifications for both new and existing buildings;

(E) Shall not discriminate against or in favor of particular construction materials or techniques;

(F) Shall, to the extent practicable, be stated in terms of performance objectives without prescribing the use of certain methods, designs, techniques or materials;

(G) Shall be reasonably compatible with building construction safety standards adopted by local governments in this state; and

(H) Shall not include mandatory sprinkler requirements for one-family and two-family dwellings; however, notwithstanding this subdivision (a)(1)(H), local governments may adopt more stringent requirements for one-family and two-family dwellings.

(2) The department shall analyze the cost and effectiveness of sprinkler equipment in one-family and two-family dwellings in areas where residential sprinklers are in use, including this state and other states deemed appropriate by the department, and report the results of the analysis to the general assembly on or before May 1, 2010. In conducting the analysis, the department shall seek input from nonprofit and business groups or organizations, including, but not limited to, the Tennessee Fire Chiefs Association and the Home Builders Association of Tennessee.

(b)

(1) The standards established pursuant to subsection (a) apply to municipal, county, state and private buildings, unless otherwise provided by statute.

(2)

(A) Such standards do not apply to any building, other than state buildings, educational occupancies or any other occupancy requiring an inspection by the state fire marshal for initial licensure, located within the jurisdiction of a local government that certifies in writing to the state fire marshal that:

(i) It has adopted a building construction safety code consisting of the 2006 International Building Code, published by the International Code Council, Inc., and either:

(a) The International Fire Code, published by the International Code Council, Inc.; or

(b) The Uniform Fire Code, published by the National Fire Protection Association, Inc., if adopted on or after July 1, 2006; and

(ii) It is adequately enforcing its code, and is performing any reviews of construction plans and specifications required by the state fire marshal under subsection (d).

(B) Amended versions of the publications referred to in subdivisions (a)(1)(b) and (b)(2)(A)(i) shall be designed to afford a reasonable degree of safety to life and property from fire and hazards incident to the design, construction, alteration, and repair of buildings or structures within the jurisdiction.

(3) If a local jurisdiction chooses to adopt and enforce codes for only one-family and two-family dwellings or for all buildings other than one-family and two-family dwellings that would be subject to the codes adopted by the state fire marshal pursuant to subdivision (a)(1), the state fire marshal shall enforce the

statewide codes with regard to those buildings for which the local jurisdiction has not adopted and is not enforcing codes.

(4)

(A) An audit of the records and transactions of each local government which chooses to enforce its own code pursuant to subdivision (b)(2)(A) shall be made by the state fire marshal at least once every three (3) years to ensure that the local government is adequately performing its enforcement functions.

(B) The state fire marshal shall, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, promulgate rules to implement the provisions of this subdivision (b)(4).

(5) Notwithstanding subdivision (b)(2)(A), the standards established pursuant to subsection (a) apply, if:

(A) The local government's building construction safety code publications are not current within seven (7) years of the date of the latest editions thereof, unless otherwise approved by the state fire marshal; or

(B) After affording appropriate written notice of grounds and opportunity for hearing, the state fire marshal determines that the local government is not adequately performing its enforcement functions.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.